

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: JOSEPH A. PANTOJA
86 Chambers Street – 3rd Floor
New York, New York 10007
Tel.: (212) 637-2785
Fax: (212) 637-2750
E-mail: joseph.pantoja@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X	
WINNIFRIED NOEL CHARLES,	:
	:
Plaintiff,	:
	:
-against-	:
	:
MICHAEL CHERTOFF, Secretary of the	:
Department of Homeland Security, in his official	:
capacity, ENRICA TROY, MARY ANN	:
GANTNER, and the DEPARTMENT OF	:
HOMELAND SECURITY,	:
	:
Defendants.	:
----- X	

ECF CASE

No. 07 Civ. 8324 (JSR) (THK)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the amended complaint, defendants' Local Rule 56.1 Statement, defendants' memorandum of law, the Declaration of Gwynne MacPherson and the exhibits annexed thereto, the Declaration of Joseph A. Pantoja and the exhibits annexed thereto, the Declaration of Jill A. Eggleston and the exhibits annexed thereto, and all other pleadings and proceedings in this action, defendants will move this Court on July 7, 2008, at 4 p.m., before the Honorable Jed S. Rakoff, United States District Judge, United States District Courthouse, 500 Pearl Street, Courtroom 14B, New York, New York 10007, for dismissal of the amended complaint for lack of subject matter jurisdiction and failure to state cognizable claims pursuant to Rules 12(b)(1) and (b)(6), and for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and for such other relief as is just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the briefing schedule set by the Court, answering papers, if any, are due to be served upon the United States Attorney's Office for the Southern District of New York, 86 Chambers Street, 3rd Floor, New York, New York 10007, on or before June 18, 2008, and defendants' reply papers, if any, are due to be served on or before June 25, 2008.

Dated: New York, New York
June 4, 2008

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendants

By: /s/ Joseph A. Pantoja
JOSEPH A. PANTOJA
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2785
Fax: (212) 637-2750
E-mail: joseph.pantoja@usdoj.gov

To: Michael P. Mangan, Esq.
The Law Offices of Michael P. Mangan LLC
80 Wall Street, Suite 1214
New York, NY 10005
Attorney for Plaintiff